



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

L. Preston Bryant, Jr.  
Secretary of Natural Resources

West Central Regional Office  
3019 Peters Creek Road, Roanoke, Virginia 24019  
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David K. Paylor  
Director

Steven A. Dietrich  
Regional Director

### STATE WATER CONTROL BOARD ENFORCEMENT ACTION

#### SPECIAL ORDER BY CONSENT

#### ISSUED TO

**HUFF PETROLEUM COMPANY, INC.**

#### AND

**WHITE DUBLIN, L.L.C d/b/a EXPRESS STOP # 2**

**WHITE ORANGE, L.L.C D/B/A EXPRESS STOP #3**

**WHITE/PULASKI-MAIN, L.L.C D/B/A EXPRESS STOP #4**

**WHITE 99, L.L.C D/B/A EXPRESS STOP #5**

**WHITE NEWBERN, L.L.C D/B/A EXPRESS STOP #6**

**WHITE/CHRISTIANSBURG-SKYVIEW, L.L.C D/B/A EXPRESS STOP #8**

**CEDAR VALLEY GENERAL STORE, L.L.C D/B/A EXPRESS STOP #9**

**NSCS, L.L.C. D/B/A NORTHSIDE CHEVRON**

### **SECTION A: Purpose**

This is a Consent Special Order issued under the authority of Va. Code §§ 62.1-44.15(8a) and (8d) by the Board to the RESPONDENTS (defined in Section B, Paragraph 26) for the purpose of resolving certain violations of environmental law and/or regulations at the aforementioned UST facilities.

### **SECTION B: Definitions**

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Board" means the State Water Control Board, a permanent citizens' board of the Commonwealth of Virginia as described in Va. Code §§ 62.1-44.7 and 10.1-1184.
3. "UST" means underground storage tank as further defined in 9 VAC 25-580 10 and Virginia Code §62.1-44.34:8.

4. "Huff" means "Huff Petroleum" or "Huff Petroleum Company, Inc." a Virginia corporation licensed to do business in Virginia in 1980 and the AST operator within the meaning of 9 VAC 25-91-10 and Virginia Code § 62.1-44.34:14.
5. "White Dublin" means White Dublin L.L.C. a Virginia corporation licensed to do business in Virginia in 1992 and the UST operator within the meaning of Virginia Code §62.1-44.34:8.
6. "ES #2" means the retail gasoline station and USTs operated by White Dublin, L.L.C. d/b/a Express Stop #2 located at the intersection of Route 100 and 11 Broad Street, Pulaski, Virginia.
7. "White Orange" means White Orange L.L.C. a Virginia corporation licensed to do business in Virginia in 1992 and the UST operator within the meaning of Virginia Code §62.1-44.34:8.
8. "ES #3" means the retail gasoline station and USTs operated by White Orange, L.L.C. d/b/a Express Stop #3 located at 523 Orange Ave., Roanoke, Virginia.
9. "White/Pulaski-Main" means White/Pulaski-Main L.L.C. a Virginia corporation licensed to do business in Virginia in 1992 and the UST operator within the meaning of Virginia Code §62.1-44.34:8.
10. "ES #4" means the retail gasoline station and USTs operated by White/Pulaski-Main, L.L.C. d/b/a Express Stop #4 located at 611 East Main Street., Pulaski, Virginia.
11. "White 99" means White 99 L.L.C., a Virginia corporation licensed to do business in Virginia in 1992, and the UST operator within the meaning of Virginia Code §62.1-44.34:8.
12. "ES #5" means the retail gasoline station and USTs operated by White 99, L.L.C. d/b/a Express Stop #5 located at 4344 Count Pulaski Drive., Pulaski, Virginia.
13. "White Newbern" means White Newbern L.L.C. a Virginia corporation licensed to do business in Virginia in 1992 and the UST operator within the meaning of Virginia Code §62.1-44.34:8.
14. "ES #6" means the retail gasoline station and USTs operated by White Newbern, L.L.C. d/b/a Express Stop #6 located at 4418 Cleburne Blvd., Pulaski, Virginia.
15. "White/Christiansburg-Skyview" means White/Christiansburg-Skyview L.L.C., the UST operator within the meaning of Virginia Code §62.1-44.34:8.
16. "ES #8" means the retail gasoline station and USTs operated by White/Christiansburg-Skyview, L.L.C. d/b/a Express Stop #8 located at 2390 Roanoke Street., Montgomery

County, Virginia, a Virginia corporation licensed to do business in Virginia in 1992.

17. "Cedar Valley" means Cedar Valley General Store, L.L.C. a Virginia corporation licensed to do business in Virginia in 1992 and the UST operator within the meaning of Virginia Code §62.1-44.34:8.
18. "ES #9" means the retail gasoline station and USTs operated by Cedar Valley General Store, L.L.C.. d/b/a Express Stop #9 located at 1401 Tyler Avenue., Montgomery County, Virginia.
19. "Northside" means "NSCS, L.L.C." a Virginia corporation licensed to do business in Virginia in 1992 and the UST operator within the meaning of Virginia Code §62.1-44.34:8 and the retail gasoline station and USTs operated by NSCS, L.L.C. located at 7447 Lee Highway, Pulaski County, Virginia.
20. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 1183.
21. "Director" means the Director of the Department of Environmental Quality.
22. "Order" means this document, also known as a Consent Order.
23. "WCRO" means the West Central Regional Office of DEQ, located in Roanoke, Virginia.
24. "Regulations" mean 9 VAC 25-580-10 et seq. (Underground Storage Tanks: Technical Standards and Corrective Action Requirements) relating to upgrading of existing UST systems, registration of USTs, closure of non-compliant USTs, and release detection requirements and 9 VAC 25-590-10 et seq. (Petroleum UST Financial Requirements).
25. "RESPONDENTS" refers to the business entities defined in Paragraphs 4, 5, 7, 9, 11, 13, 15, 17, and 19.

#### **SECTION C: Findings of Fact and Conclusions of Law**

1. The Regulations at 9 VAC 25-590-10 *et seq.*, requires owners and operators of petroleum UST facilities to meet financial assurance requirements.
2. White Dublin, White Orange, White/Pulaski-Main, White 99, White Newbern, White/Christiansburg-Skyview, Cedar Valley, and Northside are the operators of the USTs at their respective facilities within the meaning of Virginia Code § 62.1-44.34:8.
3. On August 14, 2002, DEQ staff conducted a formal inspection of the White Dublin Facility. The following deficiencies were noted:

- a) Annual automatic line leak detector tests for the five fuel tanks were not being performed contrary to 9 VAC 25-580-170.1.
- b) Corrosion protection was not present on the piping connectors for the five fuel tanks contrary to 9 VAC 25-580-60.3.
- c) Release detection was not being performed on the five USTs to the nearest one-eighth inch (stick reading inaccurate) contrary to 9 VAC 25-160.1.b.
- d) Financial Responsibility documentation was not available for review contrary to 9 VAC 25-590-10 *et seq.*

Subsequently, DEQ staff sent a Warning Letter (WL) No. 02-09-WCRO-008 to White Dublin on August 27, 2002 for these violations of the Regulations.

- 4. On January 13, 2003, DEQ issued Notice of Violation (NOV) No. 03-01-WCRO-015 to White Dublin for the four noncompliance issues listed above.
- 5. On August 14, 2002, DEQ staff conducted a formal inspection of the White Orange Facility. The following deficiencies were noted:
  - a) Failure to maintain proper registration for the three USTs contrary to 9 VAC 25-580-70.C.
  - b) Corrosion protection was not present on the piping connectors for the three USTs contrary to 9 VAC 25-580-60.3.
  - c) Failure to provide release detection documentation for the three USTs contrary to 9 VAC 25-580-140.1.
  - d) Financial Responsibility documentation was not available for review contrary to 9 VAC 25-590-10 *et seq.*

Subsequently, DEQ staff sent a Warning Letter (WL) No. 02-08-WCRO-012 to White Orange on August 29, 2002 for these violations of the Regulations.

- 6. On January 10, 2003, DEQ issued Notice of Violation (NOV) No. 03-01-WCRO-010 White Orange for the four noncompliance issues listed in paragraph 5 of this section.
- 7. On August 27, 2002, DEQ staff conducted a formal inspection of the White/Pulaski-Main Facility. The following deficiencies were noted:
  - a) Failure to provide proper notification to the DEQ regarding the closure of the seven (7)

3,000 gallon gasoline tanks and the one (1) diesel fuel tank contrary to 9 VAC 25-580-70.A.

b) Failure to conduct a closure assessment for the seven (7) 3,000 gallon gasoline tanks and the one (1) 2,000 gallon diesel fuel tank contrary to 9 VAC 25-580-330.

c) Failure to maintain closure records to confirm closure assessment for two (2) 3,000 gallon gasoline tanks contrary to 9 VAC 25-350.

d) Financial Responsibility documentation was not available for review contrary to 9 VAC 25-590-10 et seq.

Subsequently, DEQ staff sent a Warning Letter (WL) No. 02-09-WCRO-007 to White/Pulaski-Main on September 23, 2002 for these violations of the Regulations.

8. On January 13, 2003, DEQ issued Notice of Violation (NOV) No. 03-01-WCRO-018 to White/Pulaski-Main for the four noncompliance issues listed in paragraph 7 of this section.

9. On August 27, 2002, DEQ staff conducted a formal inspection of the White 99 Facility. The following deficiencies were noted:

a) Failure to maintain spill and overfill prevention equipment on one 8,000 gasoline tank (regular grade) contrary to 9 VAC 25-580-60.

b) Financial Responsibility documentation was not available for review contrary to 9 VAC 25-590-10 et seq.

Subsequently, DEQ staff sent a Warning Letter (WL) No. 02-09-WCRO-005 to White 99 on September 9, 2002 for these violations of the Regulations

10. On January 13, 2003, DEQ issued Notice of Violation (NOV) No. 03-01-WCRO-014 to White 99 for the two noncompliance issues listed in paragraph 9 of this section.

11. On August 27, 2002, DEQ staff conducted a formal inspection of the White Newbern Facility. The following deficiencies were noted:

a) Manual tank gauging ("MTG") was not being properly conducted on the used oil tank contrary to 9 VAC 25-580-160.2.A.

b) Failure to install piping connector corrosion protection for the steel flex connectors on the four fuel tanks contrary to 9 VAC 25-580-60.3.

c) Financial Responsibility documentation was not available for review contrary to 9 VAC 25-590-10 et seq.

Subsequently, DEQ staff sent a Warning Letter (WL) No. 02-09-WCRO-006 to White Newbern on September 9, 2002 for these violations of the Regulations.

12. On March 4, 2003, Notice of Violation No. 03-03-WCRO-001 was issued to White Newbern for the three compliance issues listed in paragraph 11 of this section.
13. On August 21, 2002, DEQ staff conducted a formal inspection of the White/Christiansburg-Skyview Facility. The following deficiencies were noted:
  - a) The registration for the four fuel tanks did not accurately reflect the release detection method currently being used at the facility and the used oil tank had not been properly registered contrary to 9 VAC 25-580-70.
  - b) The facility had failed to conduct a closure assessment for the 1,000 gallon used oil tank contrary to 9 VAC 25-580-330.
  - c) The facility was not able to provide documentation of overfill prevention for the four fuel tanks contrary to 9 VAC 25-580-60.4.
  - d) Financial Responsibility documentation was not available for review contrary to 9 VAC 25-590-10 et seq.

Subsequently, DEQ staff sent a Warning Letter (WL) No. 02-09-WCRO-001 to White/Christiansburg-Skyview on September 9, 2002 for these violations of the Regulations.

14. On January 13, 2003, DEQ issued Notice of Violation (NOV) No. 03-01-WCRO-012 to White/Christiansburg-Skyview for the four noncompliance issues listed in paragraph 13 of this section.
15. On August 14, 2002, DEQ staff conducted a formal inspection of the Cedar Valley Facility. The following deficiencies were noted:
  - a) The registration for the six fuel tanks did not accurately reflect the material and type of piping and the pump type on the six fuel tanks contrary to 9 VAC 25-580-70.
  - b) The facility had failed to conduct a closure assessment for the tank piping for six tanks contrary to 9 VAC 25-580-330.
  - c) The facility was not able to provide documentation of overfill prevention for the kerosene tank contrary to 9 VAC 25-580-60.4.
  - d) The facility was not able to provide documentation that an inspection was conducted every 60 days of the rectifier for the six fuel tanks contrary to 9 VAC 25-580-90.3.

e) Financial Responsibility documentation was not available for review contrary to 9 VAC 25-590-10 et seq.

Subsequently, DEQ staff sent a Warning Letter (WL) No. 02-09-WCRO-002 to Cedar Valley on August 29, 2002 for these violations of the Regulations.

16. On January 13, 2003, DEQ issued Notice of Violation (NOV) No. 03-01-WCRO-013 to Cedar Valley for the five noncompliance issues listed in paragraph 15 of this section.
17. On August 21, 2002, DEQ staff conducted a formal inspection of the Northside Facility. The following deficiencies were noted:
  - a) The registration for the Facility did not include the closure for the used oil tank contrary to 9 VAC 25-580-70.
  - b) Failure to maintain tank release detection record keeping for the three fuel tanks contrary to 9 VAC 25-580-180.
  - c) Failure to conduct pressurized piping release detection monitoring for the two gasoline tanks contrary to 9 VAC 25-580-140.2.a.
  - d) Failure to conduct release detection on suction piping as required for the one diesel tank, once every three years contrary to 9 VAC 25-580-140.2.b.
  - e) Failure to conduct annual automatic line leak detection on the two gasoline tanks contrary to 9 VAC 25-580-170.1.
  - f) Financial Responsibility documentation was not available for review contrary to 9 VAC 25-590-10 et seq.

Subsequently, DEQ staff sent a Warning Letter (WL) No. 02-09-WCRO-003 to Northside on September 9, 2002 for these violations of the Regulations.

18. On January 13, 2003, DEQ issued Notice of Violation (NOV) No. 03-01-WCRO-016 to Northside for the six noncompliance issues listed in paragraph 3 of this section.
19. In response to the aforementioned NOVs, Mr. Huff made submittals to the Department but the submittals were insufficient to resolve the areas of non-compliance.
20. On December 3, 2003, Mr. Hugh Huff III was contacted, via fax, regarding the outstanding compliance issues at the aforementioned facilities. The Department received incomplete information from Mr. Huff and the submittals were insufficient to resolve all the compliance issues at the aforementioned facilities.

21. Department compliance and enforcement staff met with Mr. Hugh Huff on February 1, 2006. The purpose of the meeting was to explain to Mr. Huff the compliance issues at the facility and the required actions by Mr. Huff to bring the facilities into compliance with the regulations. At the time of the meeting, Mr. Huff was presented with DRAFT consent orders for the facilities. The Department, in an effort to work toward compliance, allowed Mr. Huff until May 1, 2006 to work toward resolving the issues of non-compliance.
22. At the time of the meeting, Mr. Huff provided information to the Department regarding some of the areas of compliance at the facilities. The information provided resolved some of the areas of non-compliance but was not sufficient to resolve all the areas of non-compliance.
23. Mr. Huff made various submittals to the Department after the February 1, 2006 meeting and the submittals resolved certain areas of non-compliance at the facilities but were not sufficient to resolve all the areas of non-compliance.
24. Department compliance and enforcement staff met with Mr. Huff on October 23, 2006. At the time of the meeting, Mr. Huff was presented with revised DRAFT Consent Orders for the facilities. The revised DRAFT Consent Orders incorporated the information and submittals submitted by Mr. Huff since the February 2006 meeting.
25. Mr. Huff made additional submittals to the Department following the October 23, 2006 meeting and the submittals made were sufficient to resolve all areas of non-compliance at the aforementioned facilities with the exception of demonstrating financial assurance at the facilities.

#### **Financial Assurance Requirements**

26. Under 9 VAC 25-590-10 et seq. owners or operators of underground storage tank facilities must demonstrate that they have adequate financial assurance through one of six financial mechanisms, including a mechanism known as "Financial Test of Self Assurance" pursuant to 9 VAC 25-590-60. Under the Financial Test of Self Assurance, the Department accepts year-end financial statements if at least reviewed by an independent Certified Public Accountant to meet the financial assurance requirements contained in 9 VAC 25-590-10 et seq.
27. On January 30, 2003, the Department informed Mr. Huff by mail that under 9 VAC 25-590-10 et seq. the aforementioned LLCs were required to demonstrate adequate financial assurance for all the underground storage tanks residing at the aforementioned facilities.
28. In response, Mr. Huff submitted a letter from a Certified Public Accountant referring to the strength of Huff Petroleum's financial condition.
29. On February 5, 2003, the Department sent Mr. Huff a deficiency letter that explained what

documentation is required to comply with the requirements for adequately demonstrating financial responsibility under the Financial Test of Self Insurance.

30. Subsequently, the Department contacted Mr. Huff by telephone on December 11, 2003. During this conversation, Mr. Huff agreed to demonstrate adequate financial assurance under the Financial Test of Self Assurance by submitting a Letter from the Chief Financial Officer accompanied by an audited year-end financial statement prepared by an independent Certified Public Accountant.
31. On March 17, 2004, Mr. Huff submitted a Letter from the Chief Financial Officer accompanied by a compiled year end financial statement prepared by an independent Certified Public Accountant. However, a compiled financial statement is not sufficient to verify the accuracy of the financial information contained in the Letter from the Chief Financial Officer because its contents consist solely of the representation of management and are not analyzed or verified by the independent accountant who prepares it.
32. Thus, on March 17, 2004, the Department informed Mr. Huff by telephone that the compilation did not satisfy the requirements for demonstrating adequate financial assurance and that Mr. Huff should submit at least a year-end financial statement reviewed by an independent Certified Public Accountant or provide evidence of a sufficient Dun & Bradstreet financial strength rating in order to comply with the financial assurance requirements for underground storage tanks in accordance with 9 VAC 25-590-60.
33. In connection with this request, Mr. Huff did not submit any more information to satisfy the financial assurance requirements in 9 VAC 25-590-60.
34. Department compliance and enforcement staff met with Mr. Huff on November 28, 2006 to discuss compliance issues at the multiple facilities. Mr. Huff agreed to complete the process toward obtaining financial assurance for the facilities.
35. On December 18, 2006, the Department received a Letter of Credit in the amount of \$200,000 from Huff. This Letter of Credit was sufficient to demonstrate financial assurance for the aforementioned LLCs and address this area of non-compliance.

#### **SECTION D: Agreement and Order**

By virtue of the authority granted it pursuant to Va. Code §§62.1-44.15(8a) and (8d) and upon consideration of Va. Code § 10.1-1186.2, the Board orders the RESPONDENTS, and the RESPONDENTS agree to perform the actions described below and in Appendix A of this Order. In addition, the Board orders the RESPONDENTS, and the RESPONDENTS voluntarily agree to pay a civil charge of Twelve Thousand Dollars (\$12,000.00) in settlement of the violations cited in this Order.

1. The RESPONDENTS shall pay THREE THOUSAND DOLLARS (\$3,000) of the civil charge within 30 days of the effective date of this Order. Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," delivered to:

Receipts Control  
Department of Environmental Quality  
Post Office Box 10150  
Richmond, Virginia 23240

The payment shall include the RESPONDENTS' Federal Identification Numbers (FIN) and shall state either on a transmittal letter or as a notation on the check or money order that the payment is submitted pursuant to this Order.

2. The RESPONDENTS shall satisfy NINE THOUSAND DOLLARS (\$9,000) of the civil charge upon completing the Supplemental Environmental Project ("SEP") described in Appendix A of this Order.

3. The net cost of the SEP to the RESPONDENTS shall not be less than the amount set forth in Paragraph D.2. If it is, the RESPONDENTS shall pay the remaining amount in accordance with Paragraph D. 1 of this Order, unless otherwise agreed to by the Department. "Net costs" means the costs of the project minus any tax savings, grants and first-year operation cost reductions or other efficiencies.

4. By signing this Order the RESPONDENTS certify that they have not commenced performance of the SEP before DEQ identified the violations in this Order and approved the SEP.

5. The RESPONDENTS acknowledge that they are solely responsible for completing the SEP project. Any transfer of funds, tasks, or otherwise by the RESPONDENTS to a third party, shall not relieve the RESPONDENTS of their responsibility to complete the SEP as contained in this Order.

6. In the event it publicizes the SEP or the SEP results, the RESPONDENTS shall state in a prominent manner that the project is part of a settlement for an enforcement action.

7. The Department has the sole discretion to:

- a. Authorize any alternate SEP proposed by the RESPONDENTS; and
- b. Determine whether the SEP, or alternate SEP, has been completed in a satisfactory manner.

8. Should the Department determine that the RESPONDENTS have not completed the SEP, or alternate SEP, in a satisfactory manner; the Department shall so notify the RESPONDENTS in writing. Within 30 days of being notified, the RESPONDENTS shall pay the amount specified in Paragraph 2 above as provided in Paragraph 1 above.

#### **SECTION E: Administrative Provisions**

1. The Board may modify, rewrite, or amend the Order with the consent of the RESPONDENTS, for good cause shown by the RESPONDENTS, or on its own motion after notice and opportunity to be heard.
2. This Order only addresses and resolves those violations specifically identified herein. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (a) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (b) seeking subsequent remediation of the Facility as may be authorized by law; or (c) taking subsequent action to enforce this Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein.
3. For purposes of this Order and subsequent actions with respect to this Order, the RESPONDENTS admit the jurisdictional allegations, factual findings, and conclusions of law contained herein.
4. The RESPONDENTS declare that they have received fair and due process under the Administrative Process Act, Va. Code §§ 2.2-4000 *et seq.* and State Water Control Law, Va. Code § 62.1-44.2 *et seq.* and waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing shall be construed as a waiver of the right to any administrative proceeding for, or judicial review of, any action taken by the Board to enforce this Order.
5. Failure by the RESPONDENTS to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
6. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.

7. The RESPONDENTS shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. The RESPONDENTS shall show that such circumstances were beyond their control and not due to a lack of good faith or diligence on its part. The RESPONDENTS shall notify the WCRO Regional Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of this Order. Such notice shall set forth: (a) the reasons for the delay or noncompliance; (b) the projected duration of any such delay or noncompliance; (c) the measures taken and to be taken to prevent or minimize such delay or noncompliance; and (d) the timetable by which such measures will be implemented and the date full compliance will be achieved. Failure to so notify the WCRO Regional Director within twenty-four hours of learning of any condition above, which The RESPONDENTS intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim of inability to comply with a requirement of this Order.
8. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
9. This Order shall become effective upon execution by both the Director, or his designee, and the RESPONDENTS. Notwithstanding the foregoing, the RESPONDENTS agree to be bound by any compliance date that precedes the effective date of this Order.
10. This Order shall continue in effect until the Director or the Board terminates the Order in his or its sole discretion upon 30 days written notice to the RESPONDENTS. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve the RESPONDENTS from their obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.
11. By the signature below, the RESPONDENTS voluntarily agree to the issuance of this Order.

And it is so ORDERED this 28<sup>th</sup> day of SEPTEMBER, 2007.

  
Steven A. Dietrich, Regional Director  
Department of Environmental Quality

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Consent Order  
Huff Petroleum Company, Inc. & Multiple UST Facilities

White Dublin voluntarily agrees to the issuance of this Order.

By: [Signature]  
Mr. Hugh Huff, III  
President, White Dublin L.L.C.  
*member*  
Date: 7/30/07

Commonwealth of Virginia

City/County of Pulaski

The foregoing document was signed and acknowledged before me this 30th day of July, 2007, by Hugh Huff III, on behalf of White Dublin.

[Signature]  
Notary Public

My commission expires: 3/31/09



White Orange voluntarily agrees to the issuance of this Order.

By: [Signature]  
Mr. Hugh Huff, III  
President, White Orange L.L.C.  
*member*  
Date: 7/30/07

Commonwealth of Virginia

City/County of Pulaski

The foregoing document was signed and acknowledged before me this 30th day of July, 2007, by Hugh Huff III, on behalf of White Orange.

[Signature]  
Notary Public

My commission expires: 3/31/09



White/Pulaski-Main voluntarily agrees to the issuance of this Order.

By: [Signature]  
Mr. Hugh Huff, III  
President, White/Pulaski-Main L.L.C.  
*member*  
Date: 7/30/07

Commonwealth of Virginia

City/County of Pulaski

The foregoing document was signed and acknowledged before me this 30th day of July, 2007, by Hugh Huff III, on behalf of White/Pulaski-Main.

[Signature]  
Notary Public

My commission expires: 3/31/09



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Consent Order  
Huff Petroleum Company, Inc. & Multiple UST Facilities

White 99 voluntarily agrees to the issuance of this Order.

By: *Hugh Huff III*  
Mr. Hugh Huff, III  
~~President~~, White 99 L.L.C.  
*member*  
Date: 7/30/07

Commonwealth of Virginia

City/County of Pulaski

The foregoing document was signed and acknowledged before me this 30th day of July, 2007, by Hugh Huff III, on behalf of White 99.

*Leeanna B. Stern*  
Notary Public

My commission expires: 3/31/09



White Newbern voluntarily agrees to the issuance of this Order.

By: *Hugh Huff III*  
Mr. Hugh Huff, III  
~~President~~, White Newbern L.L.C.  
*member*  
Date: 7/30/07

Commonwealth of Virginia

City/County of Pulaski

The foregoing document was signed and acknowledged before me this 30th day of July, 2007, by Hugh Huff III, on behalf of White Newbern.

*Leeanna B. Stern*  
Notary Public

My commission expires: 3/31/09



White/Christiansburg-Skyview voluntarily agrees to the issuance of this Order.

By: *Hugh Huff III*  
Mr. Hugh Huff, III  
~~President~~, White/Christiansburg-Skyview L.L.C.  
*member*  
Date: 7/30/07

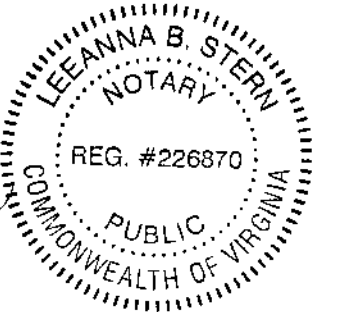
Commonwealth of Virginia

City/County of Pulaski

The foregoing document was signed and acknowledged before me this 30th day of July, 2007, by Hugh Huff III, on behalf of White/Christiansburg-Skyview.

*Leeanna B. Stern*  
Notary Public

My commission expires: 3/31/09



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Huff Petroleum Company, Inc. & Multiple UST Facilities

Cedar Valley voluntarily agrees to the issuance of this Order.

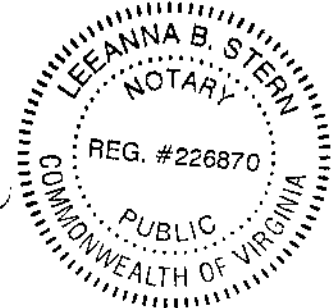
By: *Hugh Huff III*  
Mr. Hugh Huff, III  
~~President~~, Cedar Valley L.L.C.  
*member*  
Date: 7/30/07

Commonwealth of Virginia  
City/County of Pulaski

The foregoing document was signed and acknowledged before me this 30th day of July, 2007, by Hugh Huff III, on behalf of Cedar Valley.

*Leeanna B. Stern*  
Notary Public

My commission expires: 3/31/09



NSCS voluntarily agrees to the issuance of this Order.

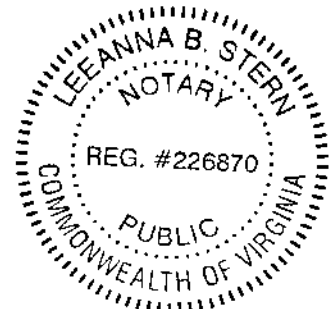
By: *Hugh Huff III*  
Mr. Hugh Huff, III  
~~President~~, NSCS L.L.C.  
*member*  
Date: 7/30/07

Commonwealth of Virginia  
City/County of Pulaski

The foregoing document was signed and acknowledged before me this 30th day of July, 2007, by Hugh Huff III, on behalf of NSCS.

*Leeanna B. Stern*  
Notary Public

My commission expires: 3/31/09



**APPENDIX A – Supplemental Environmental Project (“SEP”)**

The RESPONDENTS shall perform the SEP identified below in the manner specified in this Appendix.

1. The SEP to be performed by the RESPONDENTS is to remit funds in the amount of \$9,000 to the New River Watershed Roundtable. The New River Roundtable will use the funds to improve water quality of the New River watershed by the installation of Best Management Practices (“BMPS”), installation of stormwater management projects, water quality monitoring such as ColiScan, the installation of Pet waste bags in Parks, and/or other water quality improvement projects. A small percentage of the funds will be used for the operation and administration of the Roundtable.
2. The SEP shall be completed within 30 days of the effective date of the Order.
3. The RESPONDENTS shall verify in writing the SEP’s completion to the Department within 60 days of the effective date of the Order.
4. The RESPONDENTS shall submit to the Department written verification of the final overall and net cost of the SEP in the form of a certified statement itemizing costs, invoices and proof of payment, or similar documentation within 30 days of the project completion date. For the purposes of this submittal, net costs can be either the actual final net costs or the projected net costs if such projected net costs statement is accompanied by a CPA certification or certification from the RESPONDENTS’ Chief Financial Officers concerning the projected tax savings, grants or first-year operation cost reductions or other efficiencies.
5. Documents to be submitted to the Department, other than the civil charge payment described in Section D of the Order, shall be sent to:

Jerry Ford, Jr., Enforcement Specialist-Senior  
Department of Environmental Quality  
West Central Regional Office  
3019 Peters Creek Road  
Roanoke, VA 24019